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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MCANDREV	VS HELD & MALLO	MOORE, IAN N		
	ADISON STREET		ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	V
	10/760,167	KUBLER ET AL.	
Office Action Summary	Examiner	Art Unit	
	lan N. Moore	2616	
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the o	orrespondence address	,
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tir will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	N. mely filed the mailing date of this communicat (35 U.S.C. § 133).	
Status	•		
1)⊠ Responsive to communication(s) filed on <u>21 N</u>	<u>ovember 2005</u> .	•	
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ This	action is non-final.	•	
3) Since this application is in condition for allowar	nce except for formal matters, pro	osecution as to the merits	is
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.	
Disposition of Claims			:
4)⊠ Claim(s) <u>22-72</u> is/are pending in the application	n.		
4a) Of the above claim(s) is/are withdray			
5) Claim(s) is/are allowed.			
6)⊠ Claim(s) <u>22-72</u> is/are rejected.			
7) Claim(s) is/are objected to.			
8) Claim(s) are subject to restriction and/o	r election requirement.		
Application Papers			
9) The specification is objected to by the Examine	ır.		·
10) The drawing(s) filed on is/are: a) acce		Examiner.	
Applicant may not request that any objection to the			
Replacement drawing sheet(s) including the correct			i( <b>d)</b> .
11)☐ The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-152.	
Priority under 35 U.S.C. § 119			•
12) ☐ Acknowledgment is made of a claim for foreign a) ☐ All b) ☐ Some * c) ☐ None of:	priority under 35 U.S.C. § 119(a	)-(d) or (f).	:
1. ☐ Certified copies of the priority documents	s have been received.	•	
2. Certified copies of the priority documents		ion No	
3. Copies of the certified copies of the prior	rity documents have been receive	ed in this National Stage	
application from the International Bureau	u (PCT Rule 17.2(a)).		,
* See the attached detailed Office action for a list	of the certified copies not receive	∍d.	
Attachment(s)			
Notice of References Cited (PTO-892)     Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail D		
Notice of Draitsperson's Patent Drawing Review (PTO-946)     Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)     Paper No(s)/Mail Date		Patent Application (PTO-152)	
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Application/Control Number: 10/760,167 Page 2

Art Unit: 2616

#### **DETAILED ACTION**

#### Notes/Remark

1. Examiner acknowledges that the previous action (mailed on 4/17/2006) does <u>not</u> address the <u>newly</u> added claims **58-72**. Therefore, previous action (mailed on 4/17/2006) has been <u>withdrawn</u>, and accordingly this new action addresses existing claims 22-57 and new claims 58-72.

## Claim Objections

2. Claims 22 and 39 are objected to because of the following informalities:

Claim 22 recites the limitation "packets" in line 10. There is insufficient antecedent basis for this limitation in the claim. In particular, it is unclear this "packets" in line 11 refers "digital voice packets" (line 5), "data packets" (line 8), or both.

Claim 39 recites the limitation "packets" in line 9. There is insufficient antecedent basis for this limitation in the claim. In particular, it is unclear this "packets" in line 9 refers "packets comprising digital representations of sound" (line 5-6), "packets comprising digital data" (line 7-8), or both.

Appropriate corrections are required.

## Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2616

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 22,28,29,36-39,45,46,53-58,63,66, and 69-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sainton (US00RE38787E) in view of Drakopoulos (US005506848A).

Regarding Claims 22, 39, 58 and 63, Sainton discloses a communication network supporting the exchange of voice and data (see FIG. 14, cellular telephone system; see col. 5, line 19-32), the network comprising:

at least one portable terminal having a wireless transceiver (see FIG. 1-2, cellular phone has a transceiver (FIG. 1A, a combined system of Antenna 2, mixer 10,8, Diplexer 4, amplifier 6 which perform both transmitter and receiver functionalities) adapted for communication using a packet protocol (see col. 5, line 19-32; see col. 6, line 21-30; a cellular telephone communicates utilizing frame/packet protocol);

the at least one portable terminal adapted for converting sound into digital voice packets (see FIG. 1B, microphone 102 and, a combined system of voice processing 104, A/D 108, and modulator 22 (see FIG. 1A)) for transmission via the wireless transceiver (see col. 6, line 20-52; see col. 8, line 25 to col. 9, line 25; voice signals are converted to digitized voice packets/frames and transmitted), and for receiving digital voice packets via the wireless transceiver (see FIG. 1A, Antenna 2, Mixer 10; see col. 6, line 21-50), the contents of the digital voice packet for conversion into sound (see FIG. 1B, speaker 100 and a combined system of voice processing 104, D/A 106, and demodulator 18 (see FIG. 1A); see col. 6, line 30-52; see col. 8, line 25 to col. 9, line 25; converts digitized voice packets/frames into voice signals, then to sound);

the at least one portable terminal adapted for capturing digital data into data packets (see FIG. 1B, a combined system of Data processing 118 and modulator 24 (see FIG. 1A)) for

Art Unit: 2616

transmission via the wireless transceiver (see FIG. 1A, Antenna 2, mixer 8, amplifier 6; see col. 6, line 20-52; see col. 8, line 25 to col. 9, line 25; data signals are converted to data packets/frames and transmitted), and for receiving data packets via the wireless transceiver (see FIG. 1A, Antenna 2, Mixer 10), the contents of the data packets used for reproducing digital data (see FIG. 1B, a combined system of Data processing 118 and demodulator 20(see FIG. 1A; see col. 6, line 30-52; see col. 9, line 25 to col. 10, line 21; converts data packets/frames into data signals); and

at least one access device (see FIG. 14, a base station comprising a Cell site transmitter 1412) having a wireless transceiver (see FIG. 14, base station has a transceiver) for exchanging packets with the at least one portable terminal (see FIG. 14, exchange packets/frame with cellular phone/device 1), the at least one access device comprising a network interface (see FIG. 14, an interface that connects to cellular telephone network office 1402) for exchanging information via a wired network (see FIG. 14, cellular telephone network office connects to the wire network (e.g. PSTN, Internet, Ethernet, or equivalent thereof); see col. 21, line 20-36; see col. 5, line 19-35);

the at least one access device selectively transferring to its wireless transceiver for transmission at least a portion of the information received from its network interface (see FIG. 14, a base station comprising a Cell site transmitter 1412 selectively, in transmit direction to wireless transceiver, moves/transfer the data packets/frame received from its network interface (via cellular telephone network office); see col. 21, line 20-36), and

selectively transferring to its network interface for transmission at least a portion of the information received by its wireless transceiver (see FIG. 14, a base station comprising a Cell

site transmitter 1412 selectively, in receive direction from wireless transceiver, moves/transfer the data packets/frame to its network interface (to cellular telephone network office); see col. 21, line 20-36); and

wherein digital voice packets wirelessly exchanged by the at least one portable terminal comprise information used for routing the digital voice packets through the communication network (see col. 8, line 25 to col. 9, line 25; digitized packets/frames/data from the cellular phone comprise routing/forwarding information through the cellular telephone system).

Sainton does not explicitly disclose destination information. However, it is well known in the art when forming and routing packets/frames over the network to remote end/destination, one must use destination address/number/information to route. In particular, Drakopoulos teaches wherein the outgoing digital voice packets comprise destination information (i.e. signaling/control information) used for routing the outgoing digital voice packets through the wireless packet network (see col. 5, line 31-42; using the address of the destination end user in voice packet for routing through the wireless network). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the use of destination information for routing the digital voice packet, as taught by Drakopoulos in the system of Sainton, so that it would ensure the network to route the voice packet to destination end user, and it would also maximize utilization of system resources and optimize performance; see Drakopoulos col. 1, line 64-67; see Drakopoulos col. 2, line 15-39.

Regarding Claims 28 and 45, Sainton discloses the packets exchanged by the at least one portable terminal comprises digital voice packets and data packets (see col. 6, line 30-52; see col. 8, line 25 to col. 9, line 25; see col. 9, line 25 to col. 10, line 21; digital voice and data

Art Unit: 2616

frames/packets). Drakopoulos also discloses the packets exchanged by the at least one portable terminal comprises digital voice packets and data packets (see col. 5, line 9-42).

Regarding Claims 29 and 46, Sainton discloses wherein packets are transported wirelessly without regard to content (see FIG. 1A-B; col. 6, line 30-52; see col. 9, line 25 to col. 10, line 21; packets are transmitted regardless whether it is voice or data packets). Drakopoulos also discloses wherein packets are transported wirelessly without regard to content (see FIG. 6, 602; see col. 5, line 9-22).

Regarding Claims 36 and 53, Sainton discloses the communication network supports the established of voice calls by the at least one portable terminal via the wired network (see col. 6, line 30-52; see col. 8, line 25 to col. 9, line 25). Drakopoulos also discloses the communication network supports the established of voice calls by the at least one portable terminal via the wired network (see col. 5, line 9-67).

Regarding Claims 37 and 54, Sainton discloses the communication network supports the receipt of voice calls by the at least one portable terminal via the wired network (see col. 6, line 30-52; see col. 8, line 25 to col. 9, line 25). Drakopoulos also discloses the communication network supports the receipt of voice calls by the at least one portable terminal via the wired network (see col. 5, line 9-67).

Regarding Claims 38 and 55, Sainton discloses wherein the communication network supports the concurrent exchange of data unrelated to a voice call (see FIG. 1A-B; col. 6, line 30-52; see col. 9, line 25 to col. 10, line 21; data packets carry actual data traffic, not the management of voice calls which is related to a voice call). Drakopoulos also discloses wherein

Art Unit: 2616

the communication network supports the concurrent exchange of data unrelated to a voice call (see FIG. 6, 602; see col. 5, line 9-22).

Regarding Claim 56, Drakopoulos discloses wherein the designated one of the at least one network interface is designated based upon information received via the wireless transceiver (see col. 5, line 9 to col. 6, line 65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide routing based upon received, as taught by Drakopoulos in the system of Sainton, for the same motivation as set forth above in claim 39.

Regarding Claim 57, Drakopoulos discloses wherein the designated one of the at least one network interface is designated based upon information received via the network interface (see col. 5, line 9 to col. 6, line 65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide routing based upon received, as taught by Drakopoulos in the system of Sainton, for the same motivation as set forth above in claim 39.

Regarding Claim 66, the combined system of Sainton and Drakopoulos discloses all claimed limitation as set forth above in claim 58. Establishing an end-to-end connection between caller and callee stations is well known in the art of communication. In particular, Drakopoulos further discloses wherein the contents of each digital voice packet transmitted wirelessly by a communication device of a first party (see FIG. 2, Mobile user 216 on the left hand side transmits packet data) is received in a digital voice packet by a destination party (see FIG. 2, Mobile user 216 on the middle/right hand side received packet data; see col. 3, line 22-55; col. 5, line 9-67). Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to provide end to end connection between two mobile users, as taught by Drakopoulos in the system of Sainton, for the same motivation as set forth above in claim 58.

Regarding Claims 69 and 70, Sainton discloses the at least one wireless receiver and the at least one wireless transmitter, wherein the at least one wireless receiver and the at least one wireless transmitter comprises a signal transceiver (see FIG. 1-2, cellular phone has a transceiver (FIG. 1A, a combined system of Antenna 2, mixer 10,8, Diplexer 4, amplifier 6 which perform both transmitter and receiver functionalities); see col. 6, line 20-62.

Regarding Claims 71 and 72, Sainton discloses wherein the wireless communication circuitry comprises at least one transceiver, wherein the at least one transceiver comprises a single transceiver (see FIG. 1-2, cellular phone has a transceiver (FIG. 1A, a combined system of Antenna 2, mixer 10,8, Diplexer 4, amplifier 6 which perform both transmitter and receiver functionalities); see col. 6, line 20-62.

5. Claims 23,24,40,41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sainton in view of Drakopoulos, as applied to claims 22 and 39 above, and further in view of Cripps (US005838730A).

Regarding Claims 23 and 40, neither Sainton nor Drakopoulos explicitly disclose a frequency of approximately 2.4 gigahertz. However, using 2.4 GHz frequency hopping is well known in the art as defined by FCC. In particular, Cripps discloses wherein the wireless packet network communicates at a frequency of approximately 2.4 gigahertz (abstract; see col. 2, line 13-20; see col. 36, line 32-45; 2.4 GHz).

Art Unit: 2616

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide 2.4 GHz, as taught by Cripps, in the combined system of Sainton and Drakopoulos, so that it would provide a transmitter/receiver in accordance with FCC rules for 2.4 GHz ISM which is low cost and low power; see Cripps col. 2, line 15-32.

Regarding Claims 24 and 41, neither Sainton nor Drakopoulos explicitly disclose a frequency hopping spread spectrum technique. However, using frequency hopping spread spectrum techniques is well known in the art. In particular, However, Cripps discloses wherein the wireless packet network communicates frequency hopping spectrum technique (abstract; see col. 2, line 13-20; see col. 36, line 32-45; 2.4 GHz).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide frequency hopping spread spectrum 2.4 GHz, as taught by Cripps, in the combined system of Sainton and Drakopoulos, so that it would provide a transmitter/receiver in accordance with FCC rules to support frequency hopping spread spectrum 2.4 GHz ISM which is low cost and low power; see Cripps col. 2, line 15-32.

6. Claims 25 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sainton in view of Drakopoulos, as applied to claims 22 and 39 above, and further in view of Honing (US005481533A).

Regarding Claims 25 and 42, neither Sainton nor Drakopoulos explicitly disclose a direct sequence spread spectrum technique. However, using direct sequence spread spectrum technique is well known in the art. In particular, Honing discloses wherein the wireless packet

Art Unit: 2616

network communicates using a direct sequence spread spectrum technique (abstract; see col. 2, line 34-40).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide direct sequence spread spectrum technique, as taught by Honing, in the combined system of Sainton and Drakopoulos, so that it would suppress interference; see Honing col. 2, line 38, line 38-40.

7. Claims 26,27,30-32,43,44,47-49,59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sainton in view of Drakopoulos, as applied to claims 22 and 39 above, and further in view of Perkins (US005159592A).

Regarding Claims 26,27,43,44, and 59-62, neither Sainton nor Drakopoulos explicitly disclose a packet Internet Protocol (IP), wherein IP protocol is TCP/IP. However, Perkins discloses wherein the wireless packet network comprising communication device (see FIG. 2, Mobile Unit MU 10) and the access device (see FIG. 1, a combined system of Header station HS 12 and gateway 16) uses an Internet Protocol (IP), wherein IP protocol is TCP/IP (see col. 4, line 10-20; see col. 7, line 35-56; col. 8, line 30-45; mobile unit 10 and access gateway utilizing TCP/IP).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide TCP/IP, as taught by Perkins, in the combined system of Sainton and Drakopoulos, so that it would provide wireless network operating in accordance with the TCP/IP protocol; see Perkins col. 2, line 55-60; see col. 3, line 15-30.

Regarding Claims 30-32 and 47-49, neither Sainton nor Drakopoulos explicitly disclose the wired network comprises a packet network, uses an Internet Protocol (IP), wherein IP protocol is TCP/IP. However, Perkins discloses wherein the wired network comprises a packet network, uses an Internet Protocol (IP), wherein IP protocol is TCP/IP (see col. 3, line 55-64; col. 4, line 10 to col. 5, line 60; see col. 7, line 5-67; col. 8, line 45-67; Header station couples to a wired packet network utilizing TCP/IP).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide TCP/IP in wire network, as taught by Perkins, in the combined system of Sainton and Drakopoulos, so that it would provide wireless migration users to a network operating in accordance with the TCP/IP protocol; see Perkins col. 2, line 55-60; see col. 3, line 15-30.

8. Claims 33,35 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sainton in view of Drakopoulos, as applied to claims 22 and 39 above, and further in view of Doviak (US 5,717,737).

Regarding Claims 33,35 and 50, the combined system of Sainton and Drakopoulos discloses a network interface to a wired network as described above in claims 22 and 39. The combined system of Sainton and Drakopoulos wherein the network interface communicates via the wired network in digital form (see Sainton col. 21, line 20-36; see Drakopoulos col. 3, line 24-65)

Neither Sainton nor Drakopoulos explicitly disclose an Ethernet network. However, connecting to an Ethernet network is well known in the art. In particular, Doviak discloses herein

Art Unit: 2616

the at least one network interface is compatible with an Ethernet network (see FIG. 1, Ethernet Local Area Network 10; see col. 6, line 19-32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Ethernet LAN, as taught by Doviak, in the combined system of Sainton and Drakopoulos, so that it would provide flexibility to users; see Doviak col. 3, line 18-55.

9. Claims 34,51, 52,64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sainton in view of Drakopoulos, as applied to claims 22 and 39 above, and further in view of Weaver (US005956673A).

Regarding Claims 34,51, 52 and 64, the combined system of Sainton and Drakopoulos discloses a network interface to a wired network as described above in claims 22, 39 and 58. The combined system of Sainton and Drakopoulos wherein the network interface communicates via the wired network in digital form (see Sainton col. 21, line 20-36; see Drakopoulos col. 3, line 24-65)

Neither Sainton nor Drakopoulos explicitly disclose a conventional switched telephone network. However, having a conventional switched telephone network is well known in the art. In particular, Weaver discloses a network comprises a conventional switched telephone network (see FIG. 2. PSTN 40), wherein the network interface communicates via the wired network in digital form (see FIG. 1, BS's local vocoder 35 communicates via PSTN in PCM 210 form; see col. 3, line 28 to col. 4, line 60).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide PSTN, as taught by Weaver, in the combined system of

Art Unit: 2616

Sainton and Drakopoulos, so that it would enable the system to route the PCM over existing/conventional PSTN, and it would avoid the tandem vocoding operation; see Weaver col. 1, line 60-67; see col. 2, line 15-20.

Regarding Claim 65, the combined system of Sainton, Drakopoulos and Weaver discloses all claimed limitation as set forth above in claim 64. Weaver discloses wherein the network interface is compatible with a conventional analog loop connection (see FIG. 2, network interface connecting with PSTN 40; thus, it is clear that PSTN utilizes a conventional analog local loop connection; see col. 3, line 28 to col. 4, line 60).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide PSTN's analog local loop connection, as taught by Weaver, in the combined system of Sainton and Drakopoulos, for the same motivation as set forth above in claim 64.

10. Claim 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sainton in view of Drakopoulos, as applied to claim 58 above, and further in view of Callon (US005251205A).

Regarding Claim 67, the combined system of Sainton and Drakopoulos discloses routing as described above in claim 67. Drakopoulos discloses a plurality of access devices (see FIG. 2, RDP 106; see col. 3, line 22-46)

Neither Sainton nor Drakopoulos explicitly disclose based upon a cost of use of a communication path. However, using a least cost route/path is well known in the art. In particular, Callon discloses wherein the routing is based upon a cost of use of communication path (see FIG. 5A, 8A, 10A; cost; see col. 13, line 14-24; see col. 21, line 21 to col. 22, line 67;

also see FIG. 12-13, col. 18-19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide routing base upon cost, as taught by Callon, in the combined system of Sainton and Drakopoulos, so that it would help to share network traffic loads between paths; see Callon col. 21, line 50-60.

11. Claim 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sainton in view of Drakopoulos, as applied to claim 58 above, and further in view of Reece (US005915214A).

Regarding Claim 68, the combined system of Sainton and Drakopoulos discloses routing as described above in claim 58. Sainton discloses wherein a user is prompted to select information received by the communication device (see col. 13, line 5-25; user is prompted with information).

Neither Sainton nor Drakopoulos explicitly disclose alternate routing. However, user selection alternate routing based upon cost of the service provider is well known in the art. In particular, Reece discloses a user is prompted to select a routing alternative using routing information received by the communication unit (see FIG. 6, step 640,650,651,661,660,670; see FIG. 7-10; user is prompted with the provider information/cost to select a routing/switch different/alternative using routing/switching information received at the terminal; see col. 12, line 60 to col. 14, line 67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide user selection of alternate routing, as taught by Callon, in the combined system of Sainton and Drakopoulos, so that it would allow user to select a different/alternative, lower cost provider to complete the call; see Reece col. 3, line 19-65.

## Response to Arguments

12. Applicant's arguments with respect to claims 22-72 have been considered but are moot in view of the new ground(s) of rejection.

#### Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM 4-25-06

> DORIS H. TO SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600